

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HIGHMARK, INC.

§

VS.

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ALLCARE HEALTH MANAGEMENT
SYSTEMS, INC.

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CIVIL NO. 4:03-CV-1384-Y

ORDER GRANTING WITHDRAWAL OF APPEAL AND VACATING SANCTIONS
(with special instruction to clerk of Court)

Before the Court is the Notice of Withdrawal of Appeal and Motion to Voluntarily Dismiss Appeal (doc. #635) and the Motion to Enter Order Vacating Sanctions (doc. #634), both filed by V. Bryan Medlock and his firm, Sidley Austin, LLP ("Sidley Austin"). On August 9, 2010, the Court entered an order vacating sanctions imposed on certain of the defense attorneys involved in this case. The Court addressed the sanctions against Medlock and Sidley Austin, noting that the sanctions should be vacated but, out of concern that their notice of appeal had divested the Court of jurisdiction, the Court did not rule on the sanctions imposed against them. In the notice of withdrawal and motion to dismiss, Medlock and Sidley Austin explain that because they timely filed a Rule 59(e) motion to reconsider, the effect of their notice of appeal was suspended until the Court ruled on the motion. Additionally, Medlock and Sidley Austin have confirmed that no appeal has been docketed with the United States Court of Appeals for the Federal Circuit and, therefore, there is no case to be remanded to this Court on the issue of sanctions. Consequently, the Court GRANTS the notice of withdrawal and motion

to dismiss the appeal.

Further, for the reasons set out in the Court's August 9 order, and for the reasons set out in the motion to vacate sanctions, the Court GRANTS the motion to vacate sanctions and ORDERS that the sanctions imposed against Medlock and Sidley Austin are VACATED. The clerk of Court is DIRECTED to refund all sums paid by Medlock and Sidley Austin, as a result of the sanctions imposed previously.

SIGNED August 12, 2010.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE